

Assembly Bill No. 934

Passed the Assembly September 6, 2013

Chief Clerk of the Assembly

Passed the Senate September 3, 2013

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2013, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 50050 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 934, Cooley. Local agencies: unclaimed money.

Existing law requires local agencies, as defined, to retain money, that remains unclaimed and that is not the property of the local agency in its treasury or in the official custody of its officers, for a period of 3 years, after which time, if the money, excluding victim restitution money, has not been claimed, it reverts to the local agency, as specified. Existing law requires moneys constituting restitution for victims to be placed into a Restitution Fund or used for victim services after the 3-year period.

This bill would require a local agency to document that it has made a reasonable effort to locate and notify the victim to whom the restitution is owed if, at the expiration of the 3-year period, the local agency elects to use restitution funds for victim services.

The people of the State of California do enact as follows:

SECTION 1. Section 50050 of the Government Code is amended to read:

50050. For purposes of this article, "local agency" includes all districts. Except as otherwise provided by law, money, excluding restitution to victims, that is not the property of a local agency that remains unclaimed in its treasury or in the official custody of its officers for three years is the property of the local agency after notice if not claimed or if no verified complaint is filed and served. At any time after the expiration of the three-year period, the treasurer of the local agency may cause a notice to be published once a week for two successive weeks in a newspaper of general circulation published in the local agency. At the expiration of the three-year period, money representing restitution collected on behalf of victims shall be deposited into the Restitution Fund or used by the local agency for purposes of victim services. If a local agency elects to use the money for purposes of victim services,

the local agency shall first document that it has made a reasonable effort to locate and notify the victim to whom the restitution is owed. The local agency may utilize fees collected pursuant to subdivision (l) of Section 1203.1 or subdivision (f) of Section 2085.5 of the Penal Code to offset the reasonable cost of locating and notifying the victim to whom restitution is owed. With respect to moneys deposited with the county treasurer pursuant to Section 7663 of the Probate Code, this three-year period to claim money held by a local agency is extended for an infant or person of unsound mind until one year from the date his or her disability ceases.

For purposes of this section, “infant” and “person of unsound mind” have the same meaning as given to those terms as used in Section 1441 of the Code of Civil Procedure.

Approved _____, 2013

Governor